United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 JAN 23 AM 10: 13
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

ALTON B. HORNBACK,
PETITIONER,

vs

THE UNITED STATES OF AMERICA,
RESPONDENT,

SUMMONS IN A CIVIL ACTION

Case No. '08 CV 0127 WQH BLM

PETITION FOR WRIT OF MANDAMUS TO ORDER THE DIRECTOR OF PATENTS AND TRADEMARKS TO ISSUE A NEW PATENT WHICH CONFORMS TO RELATED PATENT APPLICATION

TO: (Name and Address of Defendant)

U.S. ATTORNEY'S OFFICE
101 W BROADWAY, SUITE 1500
SAN DIEGO, CA 92101

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

ALTON B. HORNBACK, PRO SE
5650 BLOCH STREET
SAN DIEGO, CA 92122

An answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.
CLERK

JAN 23 2008
DATE

P. DelaCruz
By , Deputy Clerk

::ODMA\PCDOCS\WORDPERFECT\14443\1 May 5, 1999 (11:34am)

RETURN OF SERVICE

Service of the Summons and Complaint was made by me	DATE 23 January 2008
NAME OF SERVER ALTON B. HORNBACK	TITLE

Check one box below to indicate appropriate method of service

Served personally upon the defendant. Place where served: US Attorney's Office 101 W. Broadway Suite 1500 San Diego, CA 92101

Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein:

Name of person with whom the summons and complaint were left: Mary Wiggins

Return unexecuted:

Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL		SERVICES	TOTAL $0.00	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.

Executed on: 23 January 2008
Date

Alton B Hornback
Signature of Server

5650 BLOCH STREET
Address of Server SAN DIEGO, CA 92122

NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE

IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.

YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.

JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure